

## HOUSE BILL NO. 532

INTRODUCED BY C. KAUFMANN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CONTENT REQUIREMENTS FOR LOCAL GROWTH POLICIES; AMENDING SECTION 76-1-601, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 76-1-601, MCA, is amended to read:

**"76-1-601. Growth policy -- contents.** (1) The planning board shall prepare and propose a growth policy for the entire jurisdictional area. The plan may propose ordinances or resolutions for possible adoption by the appropriate governing body.

(2) A growth policy must include:

(a) community goals and objectives;

(b) maps and text describing an inventory of the existing characteristics and features of the jurisdictional area, including:

(i) land uses;

(ii) population;

(iii) housing needs, including the following characteristics:

(A) purchase and rental value of existing housing units;

(B) number and percentage of households in each range of gross annual household income;

(C) number of low-, moderate-, and middle-income households that pay more than:

(I) 30% of their gross annual household income for owner-occupied housing and for rental housing; and

(II) 50% of their gross annual household income for owner-occupied housing and for rental housing;

(D) number of available owner-occupied housing units and rental housing units at a price that is 30% or less of the gross median household income for a family of four; and

(E) vacancy rate for the housing units identified under subsection (2)(b)(iii)(D);

(iv) economic conditions;

(v) local services;

- 1 (vi) public facilities;
- 2 (vii) natural resources, including environmentally sensitive resources;
- 3 (viii) natural hazard areas, including areas susceptible to wildfires, floods, earthquakes, geologic
- 4 faults, landslides, and avalanches; and
- 5 ~~(viii)~~(ix) other characteristics and features proposed by the planning board and adopted by the
- 6 governing bodies;
- 7 (c) projected trends for the life of the growth policy for each of the following elements:
- 8 (i) land use;
- 9 (ii) population;
- 10 (iii) housing needs;
- 11 (iv) economic conditions;
- 12 (v) local services;
- 13 (vi) natural resources; and
- 14 (vii) other elements proposed by the planning board and adopted by the governing bodies;
- 15 (d) a description of policies, regulations, and other measures to be implemented in order to achieve
- 16 the goals and objectives established pursuant to subsection (2)(a);
- 17 (e) an analysis of housing needs, including needs for affordable housing and special needs housing,
- 18 based on the inventory of housing characteristics under subsection (2)(b)(iii);
- 19 (f) a strategy for the elimination or reduction of inappropriate and unsafe development in natural
- 20 hazard areas;
- 21 ~~(e)~~(g) a strategy for development, maintenance, and replacement of public infrastructure, including
- 22 drinking water systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire
- 23 protection facilities, roads, and bridges;
- 24 ~~(f)~~(h) an implementation strategy that includes:
- 25 (i) a timetable for implementing the growth policy;
- 26 (ii) a list of conditions that will lead to a revision of the growth policy; and
- 27 (iii) a timetable for reviewing the growth policy at least once every 5 years and revising the policy
- 28 if necessary;
- 29 ~~(g)~~(i) a statement of how the governing bodies will coordinate and cooperate with other
- 30 jurisdictions that explains:

(i) if a governing body is a city or town, how the governing body will coordinate and cooperate with the county in which the city or town is located on matters related to the growth policy;

(ii) if a governing body is a county, how the governing body will coordinate and cooperate with cities and towns located within the county's boundaries on matters related to the growth policy;

~~(h)(i)~~ a statement explaining how the governing bodies will:

(i) define the criteria in 76-3-608(3)(a); and

(ii) evaluate and make decisions regarding proposed subdivisions with respect to the criteria in 76-3-608(3)(a); and

~~(h)(k)~~ a statement explaining how public hearings regarding proposed subdivisions will be conducted.

(3) A growth policy may:

(a) include one or more neighborhood plans. A neighborhood plan must be consistent with the growth policy.

(b) establish minimum criteria defining the jurisdictional area for a neighborhood plan;

(c) address the criteria in 76-3-608(3)(a);

(d) evaluate the effect of subdivision on the criteria in 76-3-608(3)(a);

(e) describe zoning regulations that will be implemented to address the criteria in 76-3-608(3)(a); and

(f) identify geographic areas where the governing body intends to authorize an exemption from review of the criteria in 76-3-608(3)(a) for proposed subdivisions pursuant to 76-3-608.

(4) The planning board may propose and the governing bodies may adopt additional elements of a growth policy in order to fulfill the purpose of this chapter."

**NEW SECTION. Section 2. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

**NEW SECTION. Section 3. Transition -- applicability.** (1) [This act] applies to the adoption of growth policies on or after [the effective date of this act]. A growth policy adopted before [the effective date of this act] is not required to meet the requirements of [section 1], amending 76-1-601.

(2) [This act] applies to the adoption of zoning regulations on or after October 1, 2006. A governing body that adopts a growth policy pursuant to Title 76, chapter 1, before October 1, 2001, may adopt zoning regulations pursuant to Title 76, chapter 2, part 2 or 3, that are consistent with the adopted growth policy before October 1, 2006. A governing body that adopts zoning regulations pursuant to Title 76, chapter 2, part 2 or 3, on or after October 1, 2006, must have adopted a growth policy that meets the requirements of [section 1], amending 76-1-601.

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